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INFO OCT-88 ADS-88 H-81 NA-85 L-83 SR-84 /838 R

DRAFTED BY ARA/SC:SKD'CONNELL:MAS  
APPROVED BY ARA/SC:RESERVICE

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FM SECSTATE WASHDC  
TO AMEMBASSY BUENOS AIRES IMMEDIATE

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E.O. 12865: ADS 3/15/82 (SERVICE, R.E.)

TAGS: SHUM, AR

SUBJECT: FINAL VERSION OF THE 1981 HUMAN RIGHTS REPORT

1. THE 1981 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES WERE SUBMITTED TO THE CONGRESS ON A CLOSE-HOLD BASIS ON JANUARY 29. THE CONGRESS WILL SET A RELEASE TIME AND DATE WHEN THE PRINTING CAN BE COMPLETED. POSTS WILL BE INFORMED AS SOON AS THE DATE AND TIME ARE KNOWN SO THAT THEY MAY HAVE THE OPTION OF FURNISHING A -COPY OF THE INDIVIDUAL COUNTRY REPORT TO THE HOST GOVERNMENT SLIGHTLY IN ADVANCE OF THE EMBARGO DATE AND TIME. TEXT OF THE 1981 COUNTRY REPORT FOR ARGENTINA FOLLOWS.

2. BEGIN TEXT. IN 1981 THE OVERALL HUMAN RIGHTS SITUATION IN ARGENTINA CONTINUED TO IMPROVE.

ALTHOUGH THE COUNTRY CONTINUED TO BE RULED BY A JUNTA OF THE THREE MILITARY COMMANDERS -- PRESIDENT ROUERTO VIDLA WAS REPLACED BY ARMY COMMANDER LEOPOLDO FORTUNATO GALTIERI IN DECEMBER -- AND ALTHOUGH THE COUNTRY REMAINED UNDER A STATE OF SIEGE, RESTRAINTS ON POLITICAL AND CIVIL LIBERTIES LESSENERED THROUGHOUT THE YEAR. -POLITICAL PARTIES WERE INCREASINGLY ABLE TO SPEAK OUT ON NATIONAL

ISSUES, EVEN THOUGH POLITICAL PARTY ACTIVITY REMAINED OFFICIALLY PROSCRIBED. THE FIVE MAJOR POLITICAL PARTIES IN THE COUNTRY OPENLY JOINED IN AN INFORMAL COALITION TO OFFER THE COUNTRY AN EVENTUAL CIVILIAN POLITICAL ALTERNATIVE. PARTIES AND THE PRESS CRITICIZED THE GOVERNMENT ON ISSUES THAT IN THE PAST HAD BEEN CONSIDERED TOO SENSITIVE FOR PUBLIC DISCUSSION. FOR THE FIRST TIME SINCE 1976 SUCH ISSUES WERE DISCUSSED ON RADIO. ONE LARGE NEWSPAPER ASSERTED IT WAS THE TARGET OF OFFICIAL INTIMIDATION BUT, IN THE WAKE OF THE CONTROVERSY, CONTINUED TO PUBLISH ITS VIEWS. THE COURTS BECAME INCREASINGLY ACTIVE APPLYING THE TEST OF REASONABLENESS TO THE EXECUTIVE'S ACTION IN DETAINING AN INDIVIDUAL. JAIL CONDITIONS MAINTAINED THE LEVEL OF IMPROVEMENT RESULTING FROM EARLIER REFORMS OF PRISON REGULATIONS.

THE NUMBER OF REPORTED VIOLATIONS OF ALL KINDS FELL DRAMATICALLY COMPARED TO PREVIOUS YEARS. AT THE SAME TIME, THE TOTAL NUMBER OF PRISONERS HELD ON OTHER THAN COMMON CRIMINAL CHARGES WAS REDUCED TO A REPORTED 1,050. THIS FIGURE INCLUDES APPROXIMATELY 640 PEOPLE WHO ARE BEING HELD UNDER THE PRESIDENT'S SPECIAL STATE OF SIEGE POWERS (THE P.E.N. PRISONERS). IN COMPARISON, A TOTAL OF 8,200 PEOPLE WERE DETAINED FOR VARIOUS PERIODS UNDER PEN POWERS BETWEEN 1974 AND 1980. HOWEVER, A SUBSTANTIAL NUMBER OF THESE PEN PRISONERS STILL IN DETENTION ARE BEING HELD WITHOUT TRIAL OR CHARGE. IN 1981 THERE WERE NO NEW PEN ARRESTS.

AGAINST THE OVERALL RECORD, SEVERAL POINTS SHOULD BE NOTED. IN DECEMBER, ARGENTINE HUMAN RIGHTS ORGANIZATIONS ASSERTED THAT TWO CASES OF DISAPPEARANCES HAD TAKEN PLACE IN 1981 (THE PERSON INVOLVED IN THE SECOND CASE SUBSEQUENTLY REAPPEARED, AS DESCRIBED BELOW). THESE WERE THE ONLY SUCH INCIDENTS REPORTED AS HAVING OCCURRED IN 1981. IN MARCH THERE WERE TWO OTHER CASES IN WHICH INDIVIDUALS WERE APPARENTLY DETAINED BY SECURITY FORCES, BUT THEIR DETENTION WAS NOT ACKNOWLEDGED BEFORE THEY WERE RELEASED. THEY, LIKE A WOMAN WHO WAS ARRESTED IN DECEMBER, WERE REPORTEDLY MISTREATED DURING THEIR DETENTION. IN ADDITION, IN APRIL A MAN WAS FOUND DEAD OF MULTIPLE BULLET WOUNDS SEVERAL DAYS AFTER ALLEGEDLY BEING ARRESTED BY SECURITY FORCES.

DURING THE YEAR, HUMAN RIGHTS ORGANIZATIONS JOINED BY POLITICAL GROUPS CONTINUED TO SEEK AN ACCOUNTING FOR THOSE WHO DISAPPEARED IN THE PAST, BUT THERE WAS NO

POSITIVE RESPONSE FROM THE GOVERNMENT. IN GENERAL, HUMAN RIGHTS ORGANIZATIONS REMAINED ACTIVE THROUGHOUT THE YEAR. ON SEVERAL OCCASIONS THEIR LEADERS COMPLAINED OF HARASSMENT AND INTIMIDATION. IN FEBRUARY 1981, THE LEADERS OF ONE HUMAN RIGHTS GROUP WERE ARRESTED BY COURT ORDER, HELD SEVERAL DAYS AND THEN FREED.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

THE CONSTITUTION PROHIBITS THE USE OF TORTURE. THERE WERE REPORTS THAT TWO OF THE MEN DETAINED IN MARCH WERE SUBJECTED TO ELECTRIC SHOCKS. A MEMBER OF THE COMMUNIST PARTY WHO WAS ARRESTED AS PART OF A COURT-ORDERED INVESTIGATION REPORTEDLY STATED IN COURT THAT WHILE DETAINED SHE WAS MISTREATED, INCLUDING BEING DANGLED FROM A WINDOW BY HER HEELS.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

THE IMPROVED PRISON CONDITIONS FOR THOSE DETAINED FOR SECURITY REASONS (REPORTED LAST YEAR), WHICH RESULTED FROM GOVERNMENT REFORMS, APPEARED TO HAVE BEEN MAINTAINED THROUGHOUT 1981. UNLIKE 1980, THERE WERE NO REPORTS OF SUICIDES IN JAIL DURING THE YEAR. LIMITED EXERCISE AND ACCESS TO READING MATERIAL AT SOME FACILITIES, AS WELL AS COMPLAINTS FROM PRISONERS OF ARBITRARY DISCIPLINARY ACTION FROM THEIR GUARDS, WERE REPORTED AS PROBLEMS.

C. DISAPPEARANCES

IN DECEMBER 1981, ARGENTINE HUMAN RIGHTS ORGANIZATIONS PUBLICLY ALLEGED THAT THERE HAD BEEN TWO DISAPPEARANCES DURING THE YEAR. THESE CASES HAD NOT BEEN REPORTED PREVIOUSLY. THE FIRST OF THESE ALLEGED DISAPPEARANCES REPORTEDLY TOOK PLACE IN MARCH AND THE SECOND AT THE END OF NOVEMBER. THE INDIVIDUAL INVOLVED IN THE SECOND CASE SUBSEQUENTLY APPEARED AT A POLICE PRESS CONFERENCE WHERE IT WAS ANNOUNCED, AND HE CONFIRMED, THAT HE HAD BEEN AWAY FROM HOME ON PRIVATE BUSINESS. HUMAN RIGHTS ORGANIZATIONS SUBSEQUENTLY MADE KNOWN THEIR SCEPTICISM ABOUT THIS EXPLANATION, AFFIRMING THEIR ORIGINAL CONTENTION THAT HE HAD DISAPPEARED.

IN MARCH 1981, IN SEPARATE INSTANCES, THREE MEN WERE TEMPORARILY UNACCOUNTED FOR AFTER BEING TAKEN AWAY

DECONTROL

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release ( ) Excise ( ) Deny

Exemption(s):

( ) In Part (X) In Full DECONTROL

( ) Classify as ( ) Extend as ( ) Downgrade to

Date Declassify on Reason

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BY PEOPLE CLAIMING TO BE SECURITY PERSONNEL. ALL WERE SUBSEQUENTLY RELEASED. ONE MAN'S DETENTION WAS OFFICIALLY ACKNOWLEDGED, AND THE GOVERNMENT STATED THAT HE HAD BEEN DETAINED ON COMMON CRIMINAL CHARGES, WHICH WERE LATER DISMISSED. HUMAN RIGHTS ORGANIZATIONS BELIEVE HE WAS ARRESTED FOR SECURITY REASONS. SEVERAL TIMES DURING THE YEAR ALLEGED DISAPPEARANCES FOR POLITICAL REASONS TURNED OUT TO HAVE BEEN ARRESTS ON ORDINARY CRIMINAL GROUNDS. TWO MEN WERE KIDNAPPED BY UNKNOWN ASSAILANTS IN SEPTEMBER BUT WERE FREED TWO DAYS LATER. THE CASE RECEIVED EXTENSIVE PUBLICITY IN ARGENTINA, AND THERE WAS A WIDESPREAD CONSENSUS THAT THE KIDNAPPERS WERE PROBABLY OPPONENTS OF THE GOVERNMENT. THE GOVERNMENT CONDEMNED THE KIDNAPPINGS.

MOST OBSERVERS BELIEVE THAT THE MAJORITY OF THE MANY THOUSANDS OF PERSONS LISTED OVER THE YEARS BY HUMAN RIGHTS ORGANIZATIONS AS DISAPPEARED ARE PROBABLY DEAD. THESE ORGANIZATIONS CONTINUED TO SEEK AN ACCOUNTING FOR THE FATE OF THE DISAPPEARED. THEIR EFFORTS RECEIVED INCREASED PUBLIC ATTENTION THROUGH, FOR EXAMPLE, PRESS COVERAGE OF STATEMENTS AND DEMONSTRATIONS MADE BY HUMAN RIGHTS ACTIVISTS AND PAID ADVERTISEMENTS PLACED BY HUMAN RIGHTS ORGANIZATIONS IN MAJOR NEWSPAPERS. IN DECEMBER THE FIVE-PARTY GROUPING OF MAJOR ARGENTINE POLITICAL FORCES ISSUED A STATEMENT WHICH INCLUDED A CALL FOR THE ARMED FORCES TO "MAKE AN OFFICIAL EXPLANATION TO THE FAMILIES AND THE COUNTRY" OF WHAT HAPPENED TO THE DISAPPEARED. FORMER PRESIDENT VIOLA STATED TO AN AMERICAN NEWS MAGAZINE IN 1981 THAT THE GOVERNMENT IS NOT IN A POSITION TO PREPARE AN "ADEQUATELY CORRECT LIST" OF THE DISAPPEARED BECAUSE, HE SAID, IT IS NOT KNOWN EXACTLY WHETHER THE PERSONS INCLUDED IN CERTAIN LISTS ARE REALLY DEAD OR DISAPPEARED.

#### D. ARBITRARY ARREST AND IMPRISONMENT

THE ARGENTINE CONSTITUTION ESTABLISHES THE POWER OF THE EXECUTIVE BRANCH TO DETAIN AND HOLD PRISONERS UNDER A STATE OF SIEGE (WHICH HAS BEEN IN EFFECT SINCE NOVEMBER 1974). THE POWERS DERIVED UNDER THIS PROVISION, AS WELL AS THE PRISONERS HELD UNDER ITS AUTHORITY, ARE OFTEN DESCRIBED WITH THE ADJECTIVE PEN, THE SPANISH ACRONYM FOR THE NATIONAL EXECUTIVE POWER (PODER EJECUTIVO NACIONAL). THE CONSTITUTION PLACES NO EXPLICIT TIME LIMIT FOR HOLDING PEN PRISONERS, ALTHOUGH IT DECLARES THAT PEN PRISONERS CAN CHOOSE EXILE IN LIEU OF DETENTION.

THE SUPREME COURT IN 1981 DECIDED THAT A TEST OF REASONABLENESS MUST BE APPLIED TO CONTINUING PEN DETENTIONS. IN THE CASE WHICH ESTABLISHED THIS DOCTRINE THE COURT ORDERED THE PRISONER FREED, AND THE GOVERNMENT COMPLIED. MANY PEN PRISONERS HAVE BEEN IN JAIL WITHOUT CHARGE, SOME FOR MANY YEARS, INCLUDING A SIGNIFICANT NUMBER DETAINED BEFORE 1976.

BETWEEN 1974 AND 1980, 8,200 PERSONS ACCUSED OF TERRORISM OR SUBVERSION HAVE BEEN DETAINED UNDER THE SPECIAL EXECUTIVE POWERS OF THE PRESIDENT. AT THE END OF 1981, THOSE IMPRISONED ON OTHER THAN COMMON CRIMINAL CHARGES TOTALLED ABOUT 1,050. OF THESE, AN ESTIMATED 640 WERE BEING DETAINED UNDER PEN JURISDICTION. REPORTS VARY AS TO HOW MANY OF THESE PEN PRISONERS ARE BEING HELD WITHOUT TRIAL OR CHARGES; THE ESTIMATES ARE 300 TO 400 PEOPLE. THE REMAINDER OF THE 1,050 ARE SERVING SENTENCES AFTER CONVICTION IN CIVILIAN OR MILITARY COURTS, ARE ON TRIAL OR ARE AWAITING TRIAL. IN 1981 ABOUT 500 PEOPLE WHO HAD BEEN HELD ON OTHER THAN COMMON CRIMINAL CHARGES WERE RELEASED FROM DETENTION, SOME OF THEM ON A FORM

OF PAROLE. THERE WERE NO ARRESTS UNDER PEN IN 1981. THE GOVERNMENT HAS SET UP A SYSTEM TO REVIEW PENDING PEN CASES PERIODICALLY.

#### E. DENIAL OF FAIR PUBLIC TRIAL

PERSONS ACCUSED OF SUBVERSION OR TERRORISM MAY BE TRIED IN EITHER CIVILIAN OR MILITARY COURTS. CIVILIAN COURTS FOLLOW ARGENTINA'S CUSTOMARY LEGAL PROVISIONS REGARDING OPEN AND FAIR TRIALS. ARGENTINE LAW, HOWEVER, IS BASED ON THE FRENCH AND SPANISH SYSTEM WHICH REQUIRES WRITTEN RATHER THAN ORAL TESTIMONY, SO THAT "OPEN" HAS A DIFFERENT MEANING AND DIFFERENT CONSEQUENCES THAN IN THE UNITED STATES LEGAL SYSTEM. MILITARY TRIBUNALS, BEFORE WHICH CIVILIANS ACCUSED OF INTERNAL SECURITY VIOLATIONS MAY BE TRIED, CONDUCT THEIR PROCEEDINGS IN SECRET. THE DEFENDANTS HAVE ACCESS ONLY TO A MILITARY DEFENSE COUNSEL, WHO IS USUALLY NOT A LAWYER. DEFENDANTS LEGALLY MAY BE KEPT UNAWARE OF THE EVIDENCE AGAINST THEM IN BOTH MILITARY AND CIVILIAN PROCEEDINGS.

LAWYERS IN THE PAST GENERALLY HAVE BEEN RELUCTANT TO DEFEND PEOPLE CHARGED WITH TERRORISM OR SUBVERSION, FEARING HARASSMENT OR REPRISALS. OVER THE PAST THREE YEARS NO LAWYERS DISAPPEARED. IT APPEARS THAT THE LEGAL PROFESSION IS NOW OPERATING MORE SECURELY.

THE INDEPENDENCE OF THE COURTS IS PROVIDED FOR IN THE CONSTITUTION. IN 1976, HOWEVER, THE GOVERNMENT REPLACED ALL MEMBERS OF THE SUPREME COURT AND REMOVED A NUMBER OF JUDGES IN LOWER COURTS, THOUGH MOST WERE RETAINED. THE COURTS HAVE OFTEN UPHOLD EXECUTIVE INTERPRETATIONS OF LAWS AND OF THE CONSTITUTION, AND THEY HAVE NOT SUCCESSFULLY CLARIFIED THE FATE OF ANY OF THE DISAPPEARANCES BROUGHT TO THEIR ATTENTION. HOWEVER, IN 1981 THE COURTS INCREASINGLY, AND WITH SUCCESS, CHALLENGED GOVERNMENT ACTIONS AND INTERPRETATIONS OF ITS POWERS.

#### F. INVASION OF THE HOME

IN 1981 THERE WERE NO REPORTS OF SECURITY FORCES VIOLATING THE SANCTITY OF THE HOME.

#### 2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

##### A. FREEDOM OF SPEECH, PRESS, RELIGION AND ASSEMBLY

THE CONSTITUTION PROVIDES FOR THESE FREEDOMS, BUT THEY HAVE BEEN CIRCUMSCRIBED SINCE THE IMPOSITION OF THE STATE OF SIEGE IN 1974. IN 1981 EXERCISE OF FREEDOM OF SPEECH AND ASSEMBLY EXPANDED, ALTHOUGH POLITICAL LEADERS STILL RISKED ARREST IF THEY OVERSTEPPED THE UNCERTAIN AND UNDEFINED BOUNDS OF PERMITTED POLITICAL ACTIVITY AND STATEMENTS. SEVERAL RETIRED MILITARY OFFICERS WERE BRIEFLY DETAINED FOR MAKING UNAUTHORIZED POLITICAL STATEMENTS. CIVILIAN POLITICAL LEADERS IN 1981 COMMENTED EXTENSIVELY ON THE GOVERNMENT'S POLITICAL DIALOGUE, ON ITS PROMISE TO ISSUE A NEW LAW WHICH WILL ALLOW POLITICAL PARTIES TO REORGANIZE AND RENEW THEIR LEADERSHIP, ON GOVERNMENT ECONOMIC POLICIES AND ON HUMAN RIGHTS ISSUES, INCLUDING ACCOUNTING FOR THE DISAPPEARED. AS THE YEAR PROGRESSED, POLITICAL GATHERINGS WERE FAR LESS SUBJECT TO DISRUPTION AND PROHIBITION BY THE POLICE THAN IN THE PAST. PUBLIC RALLIES AND MEETINGS WERE, ON OCCASION, PROHIBITED BY AUTHORITIES INVOKING THE DECREE WHICH SUSPENDS POLITICAL PARTY ACTIVITY. MARXIST PARTIES TO THE LEFT OF THE COMMUNISTS HAVE BEEN BANNED AND ARE SUBJECT TO PENALTIES FOR ILLEGAL ACTIVITIES.

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ALL OTHER PARTIES INCREASINGLY CONDUCT THEIR ACTIVITIES WITHOUT SERIOUS OFFICIAL INTERFERENCE.

THE PRESS IS NOT LEGALLY SUBJECT TO OFFICIAL CENSORSHIP, EXCEPT FOR MORAL CONTENT AND IN REGARD TO OPERATIONS

OF THE SECURITY SERVICES. HOWEVER, THERE CONTINUES TO BE SELF-CENSORSHIP. THE ARGENTINE PRESS ASSOCIATION HAS STATED THAT PRESS FREEDOM IS "SERIOUSLY INHIBITED" AND THAT THE EXISTENCE OF ARGENTINE NEWSPAPERS IS IN IMMEDIATE DANGER BECAUSE OF THE DE FACTO DENIAL OF THE CONSTITUTIONAL GUARANTEES WHICH SUSTAIN THEM. NEVERTHELESS, NEWSPAPERS ACTIVELY CRITICIZE THE GOVERNMENT IN MANY AREAS AND REPORT THE REMARKS OF OPPOSITION POLITICIANS. COVERAGE OF SUCH ISSUES AS HUMAN RIGHTS AND DISAPPEARANCES INCREASED DURING 1981. MOST FOREIGN PUBLICATIONS ENTER ARGENTINA WITHOUT CENSORSHIP, EVEN THOSE CONTAINING CRITICAL ARTICLES. HOWEVER, ONE EDITION OF A UNITED STATES WEEKLY NEWS MAGAZINE CONTAINING AN ARTICLE HIGHLY CRITICAL OF MANY ASPECTS OF THE ARGENTINE SITUATION WAS REMOVED FROM CIRCULATION BY ITS DISTRIBUTOR.

THE CONSTITUTION REQUIRES THAT THE PRESIDENT BE A MEMBER OF THE CATHOLIC CHURCH, AND THE MAJORITY OF ARGENTINES PROFESS THIS FAITH. OTHER RELIGIONS ARE REQUIRED TO REGISTER WITH THE GOVERNMENT; ALL BUT THE JEHOVAH'S WITNESSES ARE PERMITTED TO FUNCTION FREELY. THERE ARE SUBSTANTIAL MINORITY RELIGIOUS GROUPS, INCLUDING A 300,000-450,000 MEMBER JEWISH COMMUNITY. THE GOVERNMENT PUBLICLY CONDEMNS RELIGIOUS PREJUDICE. FORMER PRESIDENT VIOLA HAS STATED THAT "ALL FORMS OF DISCRIMINATION, RACIAL, RELIGIOUS, OR FOUNDED ON ANY OTHER PRETEXT, MERIT THE TOTAL REJECTION OF THE ARGENTINE PEOPLE AND GOVERNMENT."

ARGENTINE JEWS HAVE WELL-DEVELOPED COMMUNITY ORGANIZATIONS, EXERCISE THEIR RELIGION WITHOUT RESTRAINTS AND PARTICIPATE FULLY IN ARGENTINE ECONOMIC AND CULTURAL LIFE. THE GOVERNMENT MAINTAINS CORRECT RELATIONS WITH THE JEWISH COMMUNITY, AND THERE IS NO EVIDENCE OF AN OFFICIAL POLICY OF ANTI-SEMITISM, ALTHOUGH INCIDENTS OF ANTI-SEMITISM OCCUR. DURING THE HEIGHT OF THE "DIRTY WAR" AGAINST TERRORISM THERE WERE CREDIBLE REPORTS OF ANTI-SEMITIC BEHAVIOR AND PERSECUTION OF JEWISH PRISONERS BY THE SECURITY FORCES. VIRULENT ANTI-SEMITIC LITERATURE REMAINS ON SALE IN THE COUNTRY, BUT THERE HAVE BEEN NO ANTI-SEMITIC PROGRAMS ON STATE-CONTROLLED TELEVISION. IN DECEMBER 1981 THE HISTORICAL DRAMA "THE HOLOCAUST," THE SHOWING OF WHICH HAD BEEN DELAYED EARLIER, WAS BROADCAST ON TELEVISION.

THERE ARE ABOUT 30,000 JEHOVAH'S WITNESSES IN ARGENTINA. AS OF DECEMBER 1981, THEIR APPLICATION FOR FORMAL REGISTRATION, WHICH IS A PRECONDITION FOR THE LEGAL

PRESENCE OF A RELIGIOUS ORGANIZATION IN ARGENTINA, WAS STILL PENDING GOVERNMENT APPROVAL. THE WITNESSES CONTINUE TO EXPERIENCE SOME PROBLEMS IN REGISTERING THEIR CHILDREN IN SCHOOLS, AND SOME WITNESS SCHOOL CHILDREN FACED EXPULSION FOR REFUSING TO SALUTE THE EXPULSION FOR REFUSING TO SALUTE THE FLAG OR SING THE NATIONAL ANTHEM. THE WITNESSES' REFUSAL TO PERFORM MILITARY SERVICE ALSO LED TO JAIL SENTENCES, AS THE ARGENTINE CONSCRIPTION LAW HAS NO CONSCIENTIOUS OBJECTOR PROVISIONS. ON THE OTHER HAND, WHILE STILL UNABLE TO USE THEIR PLACES OF WORSHIP, THE WITNESSES WERE NOT SUBJECT TO ARREST WHEN THEY HELD SERVICES IN PRIVATE HOMES, AND THEY HAD UNRESTRICTED ACCESS TO BIBLES AND OTHER MATERIAL PREPARED BY THEIR ORGANIZATION ABROAD.

SEVERAL HUMAN RIGHTS ORGANIZATIONS, INCLUDING ACTIVISTS AND RELATIVES OF THE DISAPPEARED AND DETAINED, CONTINUED TO PLAY A MORE OPEN ROLE IN ARGENTINE PUBLIC LIFE, AS THEY HAVE IN THE PAST. THEY SEEM TO HAVE BEEN OPERATING IN AN ENHANCED CLIMATE OF SECURITY, REFLECTING THE GENERAL IMPROVEMENT IN RESPECT FOR CIVIL LIBERTIES IN ARGENTINA. THEY HELD PRESS CONFERENCES, MEETINGS AND DEMONSTRATIONS, SUCH AS THOSE HELD BY THE MOTHERS OF THE PLAZA DE MAYO, WITHOUT INCIDENT. HOWEVER, THERE WERE INSTANCES OF HARASSMENT OF THESE ORGANIZATIONS, AND INDIVIDUAL MEMBERS REPORTED THEY WERE SUBJECTED TO ANONYMOUS THREATS. REPORTS OF HARASSMENT DIMINISHED IN THE LATTER PART OF THE YEAR.

## B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION AND REPATRIATION

ARGENTINES ARE FREE TO TRAVEL WITHIN THE COUNTRY, TO TAKE TRIPS ABROAD AND TO EMIGRATE. ON TWO OCCASIONS, HUMAN RIGHTS ACTIVISTS EXPERIENCED WHAT APPEARED TO BE AN UNUSUALLY LONG DELAY IN RENEWING THEIR PASSPORTS. HOWEVER, THEY DID OBTAIN NEW TRAVEL DOCUMENTS, AND OTHER ACTIVISTS EXPERIENCED NO SIMILAR DIFFICULTIES IN TRAVELING ABROAD. TWO MEMBERS OF THE MOTHERS OF THE PLAZA DE MAYO ORGANIZATION WERE STOPPED BRIEFLY AT THE AIRPORT WHEN THEY RETURNED FROM THE UNITED STATES, AND SOME OF THEIR PAPERS TAKEN FOR INSPECTION. ALMOST ALL WERE SUBSEQUENTLY RETURNED TO THEM. MARRIED WOMEN LIVING IN ARGENTINA MUST HAVE THE PERMISSION OF THEIR HUSBANDS TO TRAVEL ABROAD WITH THEIR CHILDREN IF THE HUSBAND IS NOT ACCOMPANYING THEM. THE CONSTITUTION PERMITS PEN PRISONERS TO CHOOSE SELF-EXILE. EXERCISE OF THIS "RIGHT OF OPTION" WAS DENIED BY THE MILITARY GOVERNMENT UNTIL 1978 AND SUBSEQUENTLY WAS RESTRICTED THROUGH IMPLEMENTATION OF AN EXTENSIVE SCREENING PROCESS FOR ALL APPLICANTS. MOST APPLICATIONS WERE DENIED DURING 1981, EVEN THOUGH THE APPLICANTS HAD AUTHORIZATION TO ENTER OTHER COUNTRIES. OF THE CASES APPROVED BY THE UNITED STATES GOVERNMENT FOR ITS REFUGEE PROGRAM, 14 PERSONS, INCLUDING FAMILY MEMBERS, WERE ALLOWED TO TRAVEL TO THE UNITED STATES.

## C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

MOST ELEMENTS OF THE POLITICAL PROCESS REMAINED LEGALLY SUSPENDED IN 1981. THE DECLARED INTENTION OF THE ARGENTINE MILITARY REMAINED THE SAME: TO RETURN THE COUNTRY TO CIVILIAN POLITICAL RULE UNDER THE CONSTITUTION. NO TIMETABLE FOR REALIZING THIS GOAL HAS BEEN ESTABLISHED. THE GOVERNMENT OF PRESIDENT GALTIERI HAS SUGGESTED THAT THE POLITICAL PARTY LAW, UNDER WHICH THE PARTIES WILL REORGANIZE THEMSELVES FOR EVENTUAL ELECTIONS, WOULD BE PROMULGATED ABOUT MID-1982; THE LAW EARLIER HAD BEEN EXPECTED IN 1981. THE PARTIES WERE CONSULTED ON THE CONTENT OF THAT LAW, BOTH FORMALLY THROUGH A "DIALOGUE" CONDUCTED BY THE MINISTER OF INTERIOR AND INFORMALLY THROUGH CONTINUING CONTACTS BETWEEN POLITICIANS AND THE GOVERNMENT. THE MAJOR PARTIES, HOWEVER, HAVE CALLED FOR RAPID IMPLEMENTATION OF THE OLD PARTY LAW. IN 1981 THERE WAS INCREASED CIVILIAN PARTICIPATION IN THE NATIONAL, PROVINCIAL AND MUNICIPAL GOVERNMENTS. MAJOR TRADE UNIONS REMAINED SUBJECT TO INTERVENTION, AND MILITARY MEN ARE IN SOME POSITIONS PREVIOUSLY HELD BY UNION OFFICIALS. STRIKES ARE PROHIBITED, ALTHOUGH THIS BAN IS FREQUENTLY NOT ENFORCED. IN GENERAL, STRIKES PROTESTING PLANT CLOSINGS AND THE GOVERNMENT'S ECONOMIC POLICY OCCURRED WITH INCREASING FREQUENCY AND NEARLY ALWAYS WERE SETTLED WITHOUT VIOLENCE. DURING

PERIODS OF LABOR TENSION, UNION LEADERS AS WELL AS SOME RANK-AND-FILE STRIKERS WERE DETAINED, BUT MOST WERE QUICKLY RELEASED BY THE EXECUTIVE OR THE COURTS.

PROGRESS TOWARDS IMPLEMENTATION OF THE 1979 TRADE UNION ORGANIZATION LAW WAS SLOW. THE LAW CALLS FOR THE DEFINITIVE DISSOLUTION OF THE OLD NATIONAL LABOR CONFEDERATION AND OTHER NATIONAL-LEVEL ("TERTIARY") ORGANIZATIONS, MOST OF WHICH WERE PLACED UNDER DIRECT GOVERNMENT CONTROL IN 1976. FROM THE GOVERNMENT'S POINT OF VIEW, THE NEW LAW IS INTENDED TO INTRODUCE MORE GRASSROOTS DEMOCRACY AND FREEDOM OF ASSOCIATION THAN EXISTED IN THE PAST.

LABOR LEADERS, ON THE OTHER HAND, SEE THE LAW AS EMASCULATING UNION POWER, BECAUSE IT PROSCRIBES POLITICAL ACTIVITY AND GREATLY RESTRICTS UNION CONTROL OVER SOCIAL WELFARE FUNDS.

ALTHOUGH ENJOYING NO OFFICIAL STANDING OR RECOGNITION BY THE GOVERNMENT, SEVERAL LABOR GROUPS ARE ACTIVE IN MAKING THEIR HIGHLY CRITICAL VIEWS OF THE GOVERNMENT KNOWN, AND THEY RECEIVE WIDESPREAD MEDIA COVERAGE. THESE INCLUDE GROUPS WHICH CLAIM TO REPRESENT LABOR AT THE NATIONAL LEVEL. GOVERNMENT OFFICIALS, INCLUDING THE MINISTERS OF ECONOMY AND LABOR, MET WITH THE REPRESENTATIVES OF SEVERAL TERTIARY-LEVEL ORGANIZATIONS TO EXCHANGE VIEWS ON THE GOVERNMENT'S ECONOMIC AND LABOR POLICIES. ONE OF THESE GROUPS SPONSORED A LARGELY UNSUCCESSFUL NATIONAL STRIKE IN 1981.

3. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS UNITED NATIONS AND ORGANIZATION OF AMERICAN STATES BODIES CONCERNED WITH HUMAN RIGHTS HAVE CONSIDERED THE SITUATION IN ARGENTINA. DURING 1981 PRIVATE HUMAN RIGHTS ORGANIZATIONS HAVE CRITICIZED THE GOVERNMENT FOR WHAT THEY STATED WAS A FAILURE TO IMPLEMENT DETAILED RECOMMENDATIONS MADE BY INTER-GOVERNMENTAL BODIES, CHIEFLY THE INTER-AMERICAN HUMAN RIGHTS COMMISSION. ARGENTINA TOOK STRONG EXCEPTION TO THE COMMISSION'S 1980 REPORT, ARGUING THAT THE COMMISSION INFRINGED ON THE RIGHTS OF A SOVEREIGN STATE AND DID NOT MEET MINIMUM STANDARDS OF JUSTICE AND OBJECTIVITY. IN 1981 THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS CONSIDERED THE ARGENTINE SITUATION UNDER ITS CONFIDENTIAL 1503 PROCEDURES. A COMMISSION WORKING GROUP ON DISAPPEARANCES INQUIRED INTO CASES IN ARGENTINA AND REPORTED THAT THE ARGENTINE GOVERNMENT DISPUTED THE GROUP'S METHODS OF WORK.

THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) MAINTAINED AN ACTIVE PROGRAM IN ARGENTINA, WITH GOVERNMENT APPROVAL, ON BEHALF OF IMPRISONED PERSONS. THE ICRC REPORTED THAT IN THE FIRST HALF OF 1981 ITS DELEGATES VISITED PERSONS EITHER CONVICTED OR HELD AT THE DISPOSAL OF THE EXECUTIVE POWER IN 18 PLACES OF DETENTION. MOST WERE HELD IN FOUR MAIN PRISONS: VILLA DEVOTO AND THE CASEROS IN BUENOS AIRES, AND RAWSON AND LA PLATA IN THE PROVINCES.

SEVERAL NON-GOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS HAVE EXPRESSED TO THE ARGENTINE GOVERNMENT THEIR CONCERNS ABOUT THE HUMAN RIGHTS SITUATION AND HAVE MADE RECOMMENDATIONS, INCLUDING PUBLICATION OF INFORMATION ABOUT DISAPPEARED PERSONS AND THE RELEASE OF PRISONERS DETAINED WITHOUT CHARGE.

4. ECONOMIC AND SOCIAL CIRCUMSTANCES

ARGENTINA'S POPULATION OF 27.3 MILLION ENJOYS A HIGH STANDARD OF LIVING. THE POPULATION GROWTH RATE IS 1.6 PERCENT, AND POPULATION DENSITY IS ONLY TEN PER SQUARE KILOMETER; MORE THAN 80 PERCENT OF THE POPULATION LIVES IN URBAN AREAS. AVAILABILITY OF FOOD, SHELTER, HEALTH AND EDUCATION ARE NOT AFFECTED BY RACE, RELIGION, SEX OR ETHNIC BACKGROUND. PER CAPITA INCOME WAS \$2,440. RECESSION AND RISING INFLATION IN 1981 WERE REFLECTED IN: A RISE IN UNEMPLOYMENT TO ABOUT SIX PERCENT OF THE WORK FORCE -- VERY HIGH FOR ARGENTINA, WHICH CUSTOMARILY ENJOYS CLOSE TO FULL EMPLOYMENT; AN INCREASE IN UNDER-EMPLOYMENT; A DROP IN REAL WAGES FOR THE FIRST TIME IN SEVERAL YEARS; AND A RISE IN THE PERCENTAGE OF THE POPULATION BELOW THE POVERTY LEVEL, WHICH NEVERTHELESS REMAINED LOW BY GLOBAL STANDARDS. LIFE EXPECTANCY IS 70.2 YEARS, AND INFANT MORTALITY IS 58.9 PER 1,000 LIVE BIRTHS. THESE STATISTICS REFLECT THE AVAILABILITY OF AFFORDABLE HEALTH CARE TO MOST OF THE POPULATION THROUGH GOVERNMENT, PRIVATE AND TRADE UNION PROGRAMS AND CONSUMPTION OF A NUTRITIONALLY ADEQUATE, HIGH PROTEIN DIET (126 PERCENT OF DAILY CALORIC REQUIREMENTS). PRIMARY AND SECONDARY EDUCATION IS FREE AND WIDELY AVAILABLE. APPROXIMATELY 94 PERCENT OF THE POPULATION IS LITERATE. THE GOVERNMENT OF ARGENTINA SPENDS APPROXIMATELY TEN PERCENT OF ITS CENTRAL EXPENDITURES ON EDUCATION, THREE PERCENT ON PUBLIC HEALTH AND 4.5 PERCENT ON HOUSING. END TEXT.

3. DECONTROL UPON NOTIFICATION BY DEPARTMENT. HAIG